

DOCUMENT RESUME

08157 - [C3528617]

[Protest against Application of Wage Rate Determination to Two Solicitations]. B-191710; B-192219. December 14, 1978. 2 pp.

Decision re: Hayes International Corp., Birmingham, AL; by Milton J. Socolar, General Counsel.

**Contact: Office of the General Counsel: Procurement law I.
Organization Concerned: Department of the Army; Department of the Air Force.**

**Authority: Service Contract Act (41 U.S.C. 351). 29 C.F.R. 4.
Wage Determination 76-1205.**

A company protested the application of wage determinations to two solicitations, contending that a nationwide wage rate was not authorized by law or regulation. The protest was moot because the Service Contract Act was erroneously applied to one solicitation, and the other solicitation was canceled because the services being procured were no longer needed. (RRS)

DECISION



J. P. [unclear]
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

8617

FILE: B-191710
B-192219
MATTER OF:

DATE: December 14, 1978

Hayes International Corporation

DIGEST:

Protest against inclusion in two solicitations, one issued by Air Force and other issued by Army, of Service Contract Act (SCA) wage determination which required payment of prevailing wage rates based on "nationwide" locality is moot since Air Force solicitation was modified to omit SCA provisions and Army solicitation was canceled because services are no longer needed.

By letter of April 11, 1978, and supplemental letter of April 18, 1978, with enclosures, Hayes International Corporation (Hayes) protests the application of Department of Labor wage determination 76-1205 (Rev.2), dated August 4, 1977, to request for proposals (RFP) F33615-78-R-0201 issued by the Air Force.

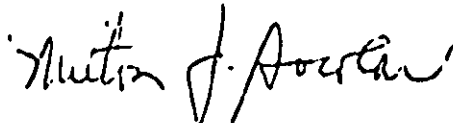
The above wage determination was issued pursuant to the requirements of the Service Contract Act, 41 U.S.C. § 351, et seq (1976), and indicates that the locality to which the wage rates apply is "nationwide." Hayes contends that a "nationwide" wage rate is not authorized either by law or regulation.

Hayes also contends that the hearings provided for by section 4.10 of title 29 of the Code of Federal Regulations (CFR) are inadequate for the resolution of this protest and provide no relief for the inequity caused by the wage determination.

By letter dated June 21, 1978, Hayes also protested the application of Wage Determination 76-1205 to invitation for bids (IFB) DAR 40-78B-0093, issued by the Procurement Division, Fort Bragg, North Carolina, on the same basis as mentioned above.

B-191710
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The Department of the Air Force by letter of November 22, 1978, advised this Office that a review of RFP-F33615-78-R-0201 disclosed that the Service Contract Act was erroneously applied to the solicitation and that the contracting officer would modify the solicitation to exclude provisions of the Service Contract Act. Also, by letter dated November 20, 1978, the Department of the Army notified this Office that IFP DAR40-78B-G093 had been canceled because the services being procured by the solicitation are no longer needed. The actions by the Departments of Air Force and Army render both protests by Hayes moot. We are therefore closing our file on the matter.



Milton J. Socolar
General Counsel